

Notice of Allowability

Application No.

09/820,116

Examiner

Chad Zhong

Applicant(s)

GROBLER ET AL.

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/22/2005.
2. ☒ The allowed claim(s) is/are 1,3,4 and 6-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles L. Warren, Reg. No. 27,407 on 11-22-2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. The application has been amended as follows:
In the claims:

3. Claim 1 is amended as follows:

1. (Currently Amended) A method for making a data call from a host to a destination over a network, comprising the steps of:

determining a period of time required to transmit a user's stored data file of predetermined size from the host using the data call over the network;

sending a setup message including a holding time of said data call from the host to a switch connected to said network, where the holding time is the period of time needed to transfer the data file using the data call over the network, the holding time determined prior to the sending of the setup message;

responsive to said setup message, determining at said switch if a channel is available from a plurality of channels and when said channel is available for making said data call from said host to said destination;

responsive to said channel being available, said switch sending a success message to said host identifying said available channel and a start time for making said data call, the start time being a time at which the transfer of data file will begin;

sending another setup message including the available channel and the available time to a terminating switch connected to said destination;

determining from said another setup message and local information at said terminating switch if a channel is available through said terminating switch and what times are available to make said data call; and

if a channel is available for said holding time of said data call through said switch and said terminating switch, sending a success message identifying the available channel and the available time to make said data call, where the available time is a time at which the transfer of the data file will begin.

4. Claim 8 is amended as follows:

8. (Currently Amended) A method for making a data call having a hold time from a host to a destination over a network having a plurality of switches, comprising the steps of:

determining a predetermined time duration of the holding time where the predetermined time duration is an amount of time required for a predetermined amount of information to be communicated during the data call to be received by the destination from the host;

sending, following the predetermined time duration having been determined, a setup message from the host to a first switch of said plurality of switches of said network requesting a channel to said destination for a data call having said holding time;

determining from said setup message and local information at said first switch if a channel of a plurality of channels is available through said first switch to a subsequent switch of said plurality of switches and what times each available channel is available to make said data call;

sending a subsequent setup message including the available channels and the available times for said channels for said data call to a subsequent switch of said plurality of switches;

determining from said subsequent setup message and local information at said subsequent switch if a channel of a plurality of channels is available through said first switch and said subsequent switch and what times each available channel is available to make said data call;

sending another setup message including the available channels and the available times for said channels for said data call of said first and subsequent switches to a terminating switch of said plurality of switches that is connected to said destination;

determining from said another setup message and local information at said terminating switch if a channel of a plurality of channels is available through said first and subsequent switches and what times each available channel is available to make said data call; and

if a channel is available for said holding time of said data call through all switches between host and destination, sending a success message identifying the available channel and the available time to make said data call, where the available time is a time at which the transfer of the data file will begin.

5. The following is an examiner's statement of reasons for allowance:

Combination of the following technologies realize a novel form of making a data call from host to a destination. Applicant's most comprehensive claim discloses (a) determine a period of time required to transmit a particular file over the network based on the file size; (b) sending a setup message from a host

to a switch in order to reserve said period of time as disclosed in step (a); (c) the switch determines if it has excess capacity/bandwidth/channel which can handle the reservation time period as indicated in the setup message; (d) if there is capacity/bandwidth/channel available at the switch, switch send a response to the host, the response containing a start time to initiate file transfer; (e) sending another setup message from the switch to include available channel and the available time information to a terminating switch connected to the destination; (f) determine from the setup message and the local information at the terminating switch if a channel is available through the terminating switch and what times are available to make the data call; (g) if a channel is available through the switch and the terminating switch, sending a success message identifying the available channel and the available time to make the data call, where the available time is a time the transfer of data file will begin.

The closest art of record, King et al., US 2002/0059365 (hereinafter King) does not disclose the combination of the above limitations. Specifically, King teaches a similar system of data file propagation over a network. However, King stops short of discussing steps (e), (f), (g), wherein another setup message is sent out from the switch to a destination switch in order to reserve a channel on terminating switch between host and destination, rather, King's invention discusses only one iteration of channel reservation as taught in steps (a) through (d). Therefore, none of the prior art of record teaches of sending another setup message including the available channel and the available time to a terminating switch connected to said destination; determining from said another setup message and local information at said terminating switch if a channel is available through said terminating switch and what times are available to make said data call; and if a channel is available for said holding time of said data call through said switch and said terminating switch, sending a success message identifying the available channel and the available time to make said data call, where the available time is a time at which the transfer of the data file will begin.

The above limitation is supported in applicant's specification, pg 6, line 21 through pg 7, line 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

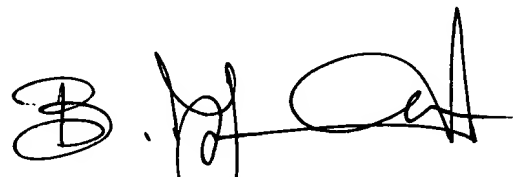
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-8729306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ,

November 22, 2005



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER